



DECLARATION FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DUAL MODE LASER DELIVERY SYSTEM PROVIDING CONTROLLABLE DEPTH OF TISSUE ABLATION AND CORRESPONDING CONTROLLABLE DEPTH OF COAGULATION**. The specification of which was filed on February 3, 1998 as application serial number 09/018,104. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claim

Yes No

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Number

Country

Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.

Filing Date

Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Joint Inventor: James L. Hobart

Inventor's Signature: James L. Hobart

Date

Residence: 25111 Tepa Way, Los Altos Hills, CA 94022

Citizenship: United States

Post Office Address: 25111 Tepa Way, Los Altos Hills, CA 94022

Full Name of Second Joint Inventor: Daniel K. Negus

Inventor's Signature: Daniel K. Negus

Date

Residence: 305 Spagnoli Court, Los Altos, CA 94022

Citizenship: United States

Post Office Address: 305 Spagnoli Court, Los Altos, CA 94022

Full Name of Third Joint Inventor: Dan E. Andersen

Inventor's Signature: Dan E. Andersen

Date

Residence: 755 Arnold Way, Menlo Park, CA 94025

Citizenship: United States

Post Office Address: 755 Arnold Way, Menlo Park, CA 94025



PATENT
Attorney Docket No.: PHAN-00100

Applicant Or Patentee: James L. Hobart *et al.*
Serial or Patent No.: 09/018,104
Filed or Issued: February 3, 1998
Entitled: DUAL MODE LASER DELIVERY SYSTEM PROVIDING CONTROLLABLE DEPTH OF TISSUE ABLATION AND CORRESPONDING CONTROLLABLE DEPTH OF COAGULATION

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR § 1.9(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

X the owner of the small business concern identified below:
an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: SCITON, INC.
Address of Concern: 845 Commercial Street, Palo Alto, CA 94303

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **DUAL MODE LASER DELIVERY SYSTEM PROVIDING CONTROLLABLE DEPTH OF TISSUE ABLATION AND CORRESPONDING CONTROLLABLE DEPTH OF COAGULATION** by inventor(s) James L. Hobart *et al.* described in:

X the specification filed herewith
Application Serial No. 09/018,104, filed February 3, 1998
Patent No. , issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27).

Full Name: _____
Address: _____
[] Individual [] Small Business Concern [] Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: James L. Hobart
Title in Organization: President
Address of Person Signing: 845 Commercial Street, Palo Alto, CA 94303

Dated: June 8, 1998
Signature: J. Hobart